

DECISION



19953
Phillips
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-204530.2

DATE: November 4, 1981

MATTER OF: A/C Pipe, Inc.--Reconsideration

DIGEST:

1. Protester's unfamiliarity with timeliness requirement in the Bid Protest Procedures does not constitute "good cause" required before GAO will consider untimely protest.
2. Where the merits of a protest involve issues which have been considered in prior decisions, the issues are not "significant issues" required before GAO will consider untimely protest.

A/C Pipe, Inc. (A/C), requests reconsideration of our decision in A/C Pipe, Inc., B-204530, September 8, 1981, 81-2 CPD 204, which dismissed as untimely A/C's protest under District of Columbia Government invitation for bids (IFB) No. 0095-AA47-1-1-MW.

The protest was dismissed because it was filed in our Office more than 10 working days after it was denied by the contracting agency. A/C contends that we should consider the protest under section 21.2(c) of our Bid Protest Procedures which permits consideration of untimely protests where good cause is shown or where issues significant to procurement practices or procedures are raised. 4 C.F.R. § 21.2(c) (1981).

We do not consider that there is anything in this case to warrant invoking either of the section 21.1(c) exceptions.

The "good cause" exception is limited to circumstances where some compelling reason beyond the protester's control prevents the filing of a timely protest. Kathryn A. Rogerson--Reconsideration, B-202366.2, April 29, 1981. 31-1 CPD 331; 52 Comp. Gen. 20 (1972). A/C indicates that the contracting agency

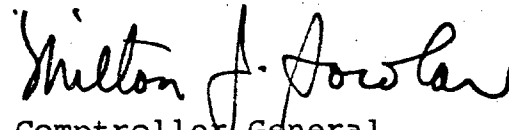
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led it to believe that it had 30 days from receipt of the contracting agency's denial to file a protest with our Office. However, our Bid Protest Procedures are specific that the protest must be filed with our Office within 10 working days of notification of the agency's adverse action on the protest. 4 C.F.R. § 21.2(a) (1981). We have held that publication of our Procedures in the Federal Register is constructive notice of the Procedures and a protester's unfamiliarity with the timeliness requirement in the Procedures does not constitute the "good cause" required for our Office to consider an untimely protest. Kathryn A. Rogerson--Reconsideration, supra.

The "significant issues" exception is limited to issues of widespread interest in the procurement community and is exercised sparingly so that the timeliness standards do not become meaningless. McCaleb Associates, Inc., B-197209, September 2, 1980, 80-2 CPD 163. Where the merits of a protest involve issues which have been considered in prior decisions, the issues are not considered "significant." Beelner & Thomas - Reconsideration, B-202978.2, June 15, 1981, 81-1 CPD 487; McCaleb Associates, Inc., supra. The immediate IFB is a resolicitation. The issues involved in the protest are (1) whether A/C should have been allowed to examine the bids which were opened under the original IFB and (2) whether it was proper to open A/C's bid which was determined to be late and make it available to the other bidders. The first issue was considered in Garrett Enterprises, Inc.--Reconsideration, B-196659.2, February 6, 1981, 81-1 CPD 70; A. J. Fowler, B-191636, October 3, 1978, 78-2 CPD 252; Redifon Computers Limited--Reconsideration, B-186691, June 30, 1977, 77-1 CPD 463. The second issue was considered in Peter Kiewit Sons' Company, B-189022, July 20, 1977, 77-2 CPD 41; Greer Hydraulics, Inc., B-182826, April 22, 1975, 75-1 CPD 249.

Accordingly, our prior decision is affirmed.

for 
Comptroller General
of the United States